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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

THERESA BROOKE,

Plaintiff,

v.

MOGUL HOSPITALITY PARTNERS-
HAWTHORNE LLC,

Defendants.

Case No.: 2:23-cv-01692-MEMF-MAR

**ORDER TO SHOW CAUSE WHY THE
COURT SHOULD NOT DECLINE TO
EXERCISE SUPPLEMENTAL
JURISDICTION OVER PLAINTIFF'S
STATE LAW CLAIMS**

On March 6, 2023, Plaintiff Theresa Brooke filed a Complaint against Defendant Mogul Hospitality Partners-Hawthorne LLC, asserting: (1) a claim for injunctive relief arising out of an alleged violation of the Americans with Disabilities Act ("ADA"), 42 U.S.C. §§ 12010-12213; and (2) a claim for damages pursuant to California's Unruh Civil Rights Act ("Unruh Act"), CAL. CIV. CODE §§ 51–52, *et seq.* ECF No. 1. The Complaint alleges that this Court has jurisdiction over the ADA claim pursuant to 28 U.S.C. §§ 1331 and 12188, and that supplemental jurisdiction is appropriate over the state law claim due to an unspecified portion of the Ninth Circuit's holding in *Arroyo v. Rosas*, 19 F.4th 1202 (9th Cir. 2021). *Id.* ¶¶ 3, 6.

1 Principles of pendent jurisdiction have been codified in the supplemental jurisdiction statute,
2 28 U.S.C. § 1367. The supplemental jurisdiction statute “reflects the understanding that, when
3 deciding whether to exercise supplemental jurisdiction, ‘a federal court should consider and weigh in
4 each case, and *at every stage of the litigation*, the values of judicial economy, convenience, fairness,
5 and comity.’” *City of Chicago v. Int’l Coll. of Surgeons*, 522 U.S. 156, 173 (1997) (emphasis added)
6 (quoting *Carnegie-Mellon Univ. v. Cohill*, 484 U.S. 343, 350 (1988)).

7 California law sets forth a heightened pleading standard for a limited group of lawsuits
8 brought under the Unruh Act. *See* CAL. CIV. PROC. CODE §§ 425.55(a)(2) & (3). The stricter
9 pleading standard requires certain plaintiffs bringing construction-access claims like the one in the
10 instant case to file a verified complaint alleging specific facts concerning the plaintiff’s claim,
11 including the specific barriers encountered or how the plaintiff was deterred and each date on which
12 the plaintiff encountered each barrier or was deterred. *See* CAL. CIV. PROC. CODE § 425.50(a). A
13 “high-frequency litigant fee” is also imposed on certain plaintiffs and law firms bringing these
14 claims. *See* CAL. GOV’T CODE § 70616.5. A “high-frequency litigant” is “a plaintiff who has filed 10
15 or more complaints alleging a construction-related accessibility violation within the 12-month period
16 immediately preceding the filing of the current complaint alleging a construction-related
17 accessibility violation” *and* “an attorney who has represented as attorney of record 10 or more high-
18 frequency litigant plaintiffs in actions that were resolved within the 12-month period immediately
19 preceding the filing of the current complaint alleging a construction-related accessibility violation.”
20 CAL. CIV. PROC. CODE §§ 425.55(b)(1) & (2). High frequency litigants are also required to state: (1)
21 whether the complaint is filed by, or on behalf of, a high-frequency litigant; (2) in the case of a high-
22 frequency litigant who is a plaintiff, the number of complaints alleging construction-related
23 accessibility claim filed by the high-frequency litigant during the 12 months prior to filing the instant
24 complaint; (3) the reason the individual was in the geographic area of the defendant’s business; and
25 (4) the reason why the individual desired to access the defendant’s business.” *See id.* §
26 425.50(a)(4)(A).

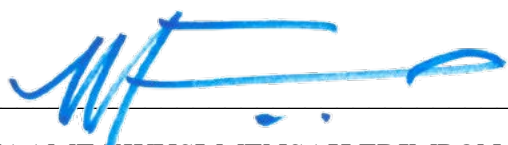
1 In light of the foregoing, the Court orders Plaintiff to show cause in writing why the Court
2 should exercise supplemental jurisdiction over the Unruh Act claim. *See* 28 U.S.C. § 1367(c). In
3 responding to this Order to Show Cause:

- 4 1. Plaintiff shall identify the amount of statutory damages Plaintiff seeks to recover.
- 5 2. Plaintiff and Plaintiff's counsel shall also support their responses to the Order to Show Cause
6 with declarations, signed under penalty of perjury, providing all facts necessary for the Court
7 to determine if they satisfy the definition of a "high-frequency litigant" as provided by
8 California Code of Civil Procedure §§ 425.55(b)(1) & (2). This includes, but is not limited
9 to:
 - 10 a. the number of construction-related accessibility claims filed by Plaintiff in the twelve
11 months preceding the filing of the present claim; and
 - 12 b. the number of construction-related accessibility claims in which Plaintiff's counsel
13 has represented high-frequency litigant plaintiffs in the twelve months preceding the
14 filing of the present claim.

15 Plaintiff shall file a Response to this Order to Show Cause no later than fourteen (14) days
16 from the date of this Order. The failure to timely or adequately respond to this Order to Show Cause
17 may, without further warning, result in the Court declining to exercise supplemental jurisdiction over
18 the Unruh Act claim pursuant to 28 U.S.C. § 1367(c).

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20 **IT IS SO ORDERED.**

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23 Dated: March 21, 2023

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25 MAAME EWUSI-MENSAH FRIMPONG
26 United States District Judge
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